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RULE _____. PARENTING COORDINATION IN CASES INVOLVING CHILD CUSTODY OR VISITATION ISSUES

(a) Scope of Rule. This Rule applies to any case under this Chapter in which the custody of or visitation with a minor child is an issue, including an initial action to determine custody or visitation, an action to modify an existing order or judgment as to custody or visitation, and a petition for contempt by reason of non-compliance with an order or judgment governing custody or visitation.

(b) Definitions. In this Rule, the following definition applies except as expressly otherwise provided, or, as necessary implication requires:

- (1) *Parenting coordinator.* "Parenting coordinator" means an impartial qualified third party licensed professional who has consented to be appointed by the court to assist parties in resolving disputed parenting or family issues in any action for custody or visitation of a minor child.

(c) Appointment of a Parenting Coordinator. In a child custody or visitation case, the court may, upon its own motion or upon the request of either party, appoint a parenting coordinator, if it appears that in the discretion of the court, the case warrants appointment of a parenting coordinator to reduce the effects of parental conflict on the child. In exercising its discretion, the court must weigh whether parent coordination is appropriate in light of any colorable allegations that a party or any child of the parties has been the victim of domestic violence, or upon the objection of one or more of the parties based on a history of domestic violence. The court must give special consideration to whether parent coordination is appropriate in light of domestic violence, and, if the court elects to order parenting coordination, should include special provisions to address the safety and protection of the parties, and appoint a specially qualified parent coordinator. When domestic violence issues have been raised by either the court or the parties, the court must articulate on the record or in writing why the appointment of a parent coordinator is in the best interest of any children of the parties.

(1) *Qualifications.*

- a. **Education and Experience.** A parenting coordinator must: i) hold a masters or doctorate degree in psychology, law, social work, counseling, medicine, or a related subject area; ii) have at least five years of related professional post-degree experience; and iii) hold a current license in the parenting coordinator's area of practice, if applicable.
- b. **Parenting Coordination Training.** Unless waived or modified by the court, a parenting coordinator must have participated in a minimum of 40 hours of training in topics related to the developmental stages of children, the dynamics of high-conflict families, the stages and effects of divorce, problem-solving techniques, mediation, family violence dynamics, and parenting skills and coordination.
- c. **Continuing Education.** Every two years, a parenting coordinator must accumulate a minimum of 16 hours of continuing education in the topics listed in subsection b. above.

(e) Time of Appointment.

- (1) *Pendente Lite Parenting Coordinator.* A parenting coordinator may be appointed at any time *pendente lite* including a reopened modification case or contempt action.
- (2) *Post-judgment Parenting Coordinator.* A parenting coordinator may be appointed simultaneously with the entry of a final order, decree, or judgment determining custody or visitation, or modifying custody or visitation.

(f) Selection of Parenting Coordinator. The court may select the person to serve as the parenting coordinator, or the parties may agree, subject to the approval of the court and to the consent of the parent coordinator, to the selection of a qualified person to serve as the parenting coordinator. If the court has appointed a *pendente lite* parenting coordinator, the court may, but need not, select that person to serve as a post-judgment parenting coordinator.

(g) Term of Service.

- (1) *Pendente Lite.* The term of service for a *pendente lite* parenting coordinator shall be extinguished by the entry of a final order, unless otherwise stated.
- (2) *Post-judgment.* The term of service for a post-judgment parenting coordinator shall be specified by the court in its Order of Appointment, but shall not exceed 1 year. The term may be extended thereafter upon the agreement of the parties and with the consent of the parenting coordinator.

(h) Removal and withdrawal of Parenting Coordinator.

- (1) *Discretion of court to remove.* Except as otherwise provided in this section, the court shall reserve the right to remove the parenting coordinator, in the court's discretion.
- (2) *Grounds for removal.* The court may remove the parenting coordinator: A) on the request and agreement of both parents; B) on the motion of a parent, if good cause is shown; or C) upon a finding that the appointment is not in the best interest of the child.
- (3) *Withdrawal.* The court shall allow a parenting coordinator to withdraw from services at any time.

(i) Fees. A court may not appoint a parenting coordinator without designating how and by whom the parenting coordinator shall be compensated. If the court finds that the parties have the financial means to pay the fees and expenses of the parenting coordinator, the court shall allocate the fees and expenses of the parenting coordinator between the parties and may enter an order against either or both parties for the reasonable fees and expenses of the parenting coordinator. Unless the court finds good cause to use a different allocation formula, the allocation shall

be made based upon the relative income percentages determined under the child support guidelines.

(j) Powers and Scope of Appointment.

- (1) *Generally.* The Order of Appointment shall specify the scope of the appointment, and whether serving *pendente lite* or post-judgment, a parenting coordinator shall assist the parties in cooperating to implement and comply with the terms of any court's custody or visitation order. Duties of the parenting coordinator may include: A) working with the parties to develop an agreed-upon, structured plan for abiding by the custody and visitation order; B) educating the parties about making and implementing decisions that are in the best interest of their child; C) developing guidelines with the parties for appropriate communication between them; D) suggesting resources to assist the parties; E) assisting the parties in modifying patterns of behavior so as to manage and reduce opportunities for conflict, when appropriate; and F) assisting the parties in developing parenting strategies designed to manage the conflict between them and the impact of any conflict upon their child.
- (2) *Pendente Lite Parenting Coordinator.* The scope of authority of a *pendente lite* parenting coordinator shall be set forth in the Order of Appointment. In addition to the duties enumerated in subsection (j)(1), a *pendente lite* parenting coordinator may (i) assist the parties in resolving disputes that may arise under any *pendente lite* custody and visitation order; (ii) facilitate joint decision-making; and (iii) report to the court their observations of the parents' efforts and abilities to make and implement joint decisions that are in the best interest of their child.
- (3) *Post-Judgment Parenting Coordinator.*
 - a. *Generally.* The scope of authority of a post-judgment parenting coordinator shall be set forth in the Order of Appointment. If the post-judgment parenting coordinator has served as the *pendente lite* parenting coordinator, there shall be a separate Order of Appointment entered. The separate order may be included in the court's final custody or visitation order, judgment, or decree.
 - b. *Duties.* In addition to the duties enumerated in subsection (a), a post-judgment parenting coordinator may assist and educate the parents about complying with the court's final custody and visitation order so as to reduce and eliminate conflict.
 - (i) If a dispute arises between the parties over custody and visitation as set forth in the court's final custody and visitation order, the post-judgment parenting coordinator shall confer with the parties to facilitate a resolution of the dispute;
 - (ii) The post-judgment parenting coordinator may confer with the child or children and any third party, such as a teacher or doctor, who may have knowledge of facts relevant to the dispute;
 - (iii) In the Order of Appointment of the and upon agreement of both

parties, the court may order that, if conferring with the parenting coordinator does not result in an agreement resolving a dispute, the parenting coordinator shall decide the dispute, and the parties shall be bound by the decision, subject to court approval, until further order of the court. The parenting coordinator's decisional authority covers only minor or temporary departures from, additions to, or interpretations and clarifications of the court's final custody and visitation order, and is not a delegation by the court of its power to decide custody and visitation. By way of example only, the issues subject to decision by the post-judgment parenting coordinator include disagreements about exchanges, holiday scheduling, school and extracurricular activities, temporary and minor deviations from the court-ordered visitation schedule, and problematic behaviors by the parents or the child. The post-judgment parenting coordinator is not authorized to make any decision that changes the terms of the final custody or visitation order, or deprives a party of the rights he or she has been granted by the court in its final custody and visitation order.

(k) Parenting Coordinator as Witness. Unless otherwise provided in the order appointing the parenting coordinator, communications with or information provided to the parenting coordinator in the exercise of their duties shall not be confidential and may be disclosed in any judicial, administrative or other proceeding. Nothing in this subsection affects the duty to report child abuse or neglect under any provision of federal or Maryland law.

(l) Finality of Order, Decree, or Judgment. A final custody or visitation order, decree, or judgment that includes a provision appointing a post-judgment parenting coordinator is a final order for the purposes of appeal.